

APPENDIX B
TO LR29-FL-402.40

HAMILTON COUNTY VISITATION GUIDELINES

It is usually in the child's best interest that each parent has frequent, meaningful and continuing contact with the child. A visitation agreement made by both parents is preferred to a court imposed solution. However, if the parents are unable to agree on visitation, the following guidelines should be used in most cases. In situations where the non-custodial parent may not have had ongoing contact with the children, initial visitation may be shorter. Further, these provisions may not apply to very young children or situations where geographical distances between parents make compliance impossible. The parents, in exercising visitation, should be flexible enough to adapt to the circumstances, the child's age, ongoing activities and any religious holidays not set out below. The main goal of both parents should be to encourage and facilitate peaceful and frequent visitation of the children with the non-custodial parent.

If the parents do not agree otherwise, the following shall be considered the **MINIMUM** visitation to which the non-custodial parent shall be entitled.

A. VISITATION SCHEDULE WHEN ONE PARENT HAS SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE NO MORE THAN 150 MILES APART:

Weekend. Alternating weekends from 6:00 p.m. on Friday until 6:00 p.m. on Sunday (the starting and ending times may change to fit the parents' schedules).

Holidays. The non-custodial parent shall be entitled to holiday visitation as follows:

(1) In years ending in an odd number:

- (a) New Year's Day from 6:00 p.m. December 31 to 8:00 p.m. January 1
- (b) Memorial Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.
- © Labor Day weekend from Friday at 6:00 p.m. until Monday at 8:00 p.m.
- (d) Christmas Eve from 6:00 p.m. until noon Christmas Day
- (e) Evening before child's birthday from 6:00 p.m. until 9:00 p.m.

(2) In years ending in an even number:

- (a) Easter Sunday weekend from Friday at 6:00 p.m. until Sunday at 8:00 p.m.
- (b) July 4 from 6:00 p.m. July 3 until 8:00 p.m. July 4
- (c) Thanksgiving from 6:00 p.m. Wednesday until 8:00 p.m. Thursday
- (d) Christmas Day from noon until 9:00 p.m.
- (e) Day of child's birthday from 6:00 p.m. until 9:00 p.m.

(3) It is recognized by the Court that other days may be significant to families for religious reasons. If so, the Court recommends visitation days be allowed each parent based on an alternating schedule. If alternating visitation days cannot be agreed to by both parents, the issue may be addressed by the Court.

Conflicts between Regular Weekend, Holiday, and Extended Summer Visitation. When there is a conflict between a holiday weekend and the regular weekend visitation, the holiday takes precedence. Thus, if the non-custodial parent misses a regular weekend because it is the custodial parent's holiday, the regular alternating visitation schedule will resume following the holiday. If the non-custodial parent receives two consecutive weekends because of a holiday, the child will spend the following weekend with the custodial parent. When there is a conflict between holiday visitation and extended summer visitation, the holiday visitation takes precedence. When there is a conflict between regular weekend visitation and extended summer visitation, extended summer visitation takes precedence.

Mother's Day/Father's Day. Children shall be with their mother each Mother's Day and with their father each Father's Day, from 9:00 a.m. to 8:00 p.m..

Extended Visitation (Children Under 5). Up to three non-consecutive weeks during the year, the choice of the number of weeks to be determined by the non-custodial parent. At least 30 days notice of the intent to use a week shall be given. A week shall begin Friday at 6:00 p.m. and end Sunday of the following week at 8:00 p.m.

Extended Visitation (Children Over 5). One-half of the school summer vacation. At the option of the non-custodial parent, the time may either be consecutive or may be split into two segments. If the children attend summer school and it is impossible for the non-custodial parent to otherwise schedule the visitation that parent may elect to take that period when the children are in summer school (and be responsible for their attendance and transportation). Notice must be given by the non-custodial parent, in writing, on or before April 15 of each year. During periods of extended summer visitation, the non-visiting parent shall be entitled to alternating weekend visitation. However, both the custodial parent and the non-custodial parent, upon 30 days written notice to the other parent, shall be entitled to one period of two weeks in duration when they may, at their option, elect to take the child on an extended vacation; and the other parent shall not be entitled to alternating weekend visitation during said period.

B. VISITATION WHEN THERE IS SOLE CUSTODY OR PRIMARY PHYSICAL CUSTODY AND PARENTS RESIDE MORE THAN 150 MILES APART:

Children Under 5. Up to six non-consecutive, two-week segments annually, each separated by at least six weeks. This visitation is in lieu of alternating weekend and holiday visitation.

Children Over 5. All but three weeks of the school summer vacation, and on an alternating basis, the school winter vacation and spring break. This visitation is in lieu of alternating weekend and holiday visitation.

Notice. When the children are under five years of age, the non-custodial parent shall give at least 30 days of notice of each segment sought, while, when the children are over five, at least 60 days notice shall be given.

C. GENERAL RULES APPLICABLE TO ALL VISITATION:

The non-custodial parent shall give a minimum of three days notice of intent not to exercise all or part of a scheduled visitation.

Parents shall, at all times, keep each other advised of their home and work addresses and telephone numbers. So far as possible, all communication concerning the children shall be conducted between the parents in person or by telephoning at their residences (and not at their places of employment).

Each parent shall allow liberal but reasonable telephone and mail privileges with the children.

The custodial parent shall provide copies of all school and medical reports within 10 days of their receipt and shall notify the other parent immediately in the event of a medical emergency. The custodial parent shall inform the non-custodial parent of school, extra curricular, and/or social functions permitting parental participation within 24 hours of notification of such function.

Parents shall, at all times, avoid speaking negatively about each other and should firmly discourage such conduct by relatives or friends. Each parent should encourage the children to respect the other parent. The basic rules of conduct and discipline established by the custodial parent should be the baseline standard for both parents, and consistently enforced by both, so that the children do not receive mixed signals.

Parents are encouraged to have their children maintain ties with both the maternal and paternal relatives. In most cases, the children will visit with the paternal relatives during times the children are with their father and with the maternal relatives when with their mother.

Neither visitation nor child support is to be withheld due to either parent's failure to comply with a court order.

If the parties mutually agree to change any visitation schedule ordered by the Court to obligate themselves to a different visitation schedule, they shall petition the Court to approve and order that change. In the event that the parties do not obtain a court order, the Court shall not be bound to enforce any alleged agreement of the parties whether the agreement be verbal or written.

SO ORDERED this 1st day of January , 1997.